

The State Board of Education has authority for final decisions only for school district unification proposals. County committees on school district organization have authority for final decisions over territory transfers and annexation proposals except that their decisions are subject to appeal to the State Board of Education.

A. General Appeals (EC 35710.5)

1. The chief petitioner or any one or more of the affected school districts may appeal a county committee decision on transfers. Appeals are heard by the State Board of Education.
2. The appeal may be made only on issues of noncompliance regarding procedural matters and the substantive provisions of the following Education Code sections:
 - EC 35705. Public hearings; notice
 - EC 35706. Recommendations of county committee
 - EC 35709. Order; notification; criteria in EC 35753
 - EC 35710. Notification of approval; election; conditions; criteria in EC 35753; determination of the area of election
3. The appellant has five days, or 30 days if a school district, from the date of final action by the county committee to file the notice of appeal with the county committee and provide a copy to the county superintendent of schools. The action of the county committee must be stayed pending the outcome of the appeal.
4. Within 15 days after the filing of the notice of appeal, the appellant must file a statement of reasons and factual evidence with the county committee.
5. The county committee, within 15 days of receipt of the statement, must send the statement and the complete administrative record of the county committee's proceedings to the State Board of Education. In addition to the appeal itself, the administrative record includes the notice of appeal, the petition to transfer the territory, notices of public hearings, and the description of the petition provided at least 10 days before the public hearings, transcripts of public hearings, related letters, legal briefs, minutes of county committee meetings, studies, and any other materials relevant to the appeal that would enable the State Board of Education to determine whether there was evidentiary support for the county committee's decision.
6. The State Board of Education may elect to:
 - a. Review the appeal either on the administrative record or in conjunction with a public hearing *or*
 - b. Deny review of the appeal (thus ratifying the county committee's decision).
7. The State Board of Education, if it decides to review the appeal, may:
 - a. Affirm the action of the county committee *or*

- b. Reverse or modify the action of the county committee and, if the petition or proposal is to be voted upon, must determine the area of election.
8. The State Board of Education must notify the county committee of its decision and then the county committee must notify the county board of supervisors or the county superintendent of schools, as appropriate, pursuant to Education Code Section 35709 or 35710.

B. Appeals Based on Racial or Ethnic Integration (EC 35711)

1. Any person questioning the findings that the proposed transfer of territory will not adversely affect the racial or ethnic integration of the schools of the affected districts may appeal the decision made by the county committee on such findings.
2. Appeals made on issues of whether the school district organization proposal will adversely affect the racial or ethnic integration of schools of the affected districts must be made to the State Board of Education within 30 days of the county committee's decision. Education Code Section 35711 does not provide for a stay of the county committee's decision pending the outcome of the appeal.
3. The State Board of Education must notify the county committee of its decision to:
 - a. Deny the request for an appeal, in which case the decision of the county committee shall stand; *or*
 - b. Approve the request for appeal, in which case it shall review the findings of the county committee. The county committee shall transmit a copy of its proceedings to the State Board of Education within 30 days after receipt of notice that the State Board will review the committee's findings.
4. In reviewing the findings, the State Board of Education may:
 - a. Reverse the decision of the county committee; *or*
 - b. Affirm the decision of the county committee; *or*
 - c. Direct the county committee to reconsider its decision and to hold another hearing if the board's review appears to indicate that inadequate consideration was given to the effect of the transfer on integration of the schools of the affected districts.

Unlike appeals under Education Code Section 35710.5, appeals under Education Code Section 35711 do not include authority for the State Board of Education to determine the area of election.

C. Resubmissions and Petitions for Reconsideration (California Code of Regulations, Title 5, Section 18572)

1. At any time following a decision by the State Board on a proposal, petition, or appeal, the original petitioners, the committee on school district organization, or any affected school district may resubmit the same or an essentially identical proposal or may petition the State Board for reconsideration of the board's decision.

2. Any resubmission or petition for reconsideration must be accompanied by new arguments or new facts not previously presented to the board.
3. No resubmission or petition for reconsideration will be acted upon by the State Board with respect to any reorganization proposal for which an election has been called, pursuant to Education Code Section 35710.51 or 35756.